

ticular court, or on the side of the court in which the suit is brought or the relief is prayed, the plaintiff shall not on that account be non-suited or the case dismissed; but the case may, in the discretion of the judge presiding in the court in which the suit is pending, at any time, in any action at law, before the jury retire to consider their verdict, or in a suit in equity, before the final decree is signed, be removed by an order in writing signed by the judge or judges there presiding, to such proper court or docket, either of equity or law, in the same county or city, as the nature thereof may require, and thereupon such proceedings shall be had by amendment of the pleadings and otherwise, as shall conform the case to the course of the court to which the same shall have been removed under such general or special rules as each of such courts may prescribe for the adjustment of costs, the prevention of delay and the promotion of justice.

This section is constitutional. *Insurance Co. v. Schall*, 96 Md. 227.

No appeal from action of lower court in removing, or refusing to remove, a case under this section. *Summerson v. Schilling*, 94 Md. 607; *Safe Deposit Co. v. Cahn*, 102 Md. 542.

This section shows that it is declared policy of the law that where it appears the plaintiff is entitled to some remedy, his suit shall not be dismissed because he has invoked aid of wrong tribunal. *Safe Deposit Co. v. Cahn*, 102 Md. 542.

For a case which was reversed in court of appeals on ground that no relief could be had in equity, but was remanded under this section without prejudice to the appellee to sue at law, see *Maryland Hotel Co. v. Baltimore Engraving Co.*, 92 Md. 725.

Cited but not construed in *Brehm v. Sperry*, 92 Md. 408.

This section is identical with art. 75, sec. 124. See also art. 75, sec. 109, *et seq.*

Salaries of Judges.¹

An. Code, sec. 45. 1904, sec. 45. 1892, ch. 388. 1908, ch. 180. 1914, ch. 847.

45. The salary of each Chief Judge of the first seven judicial circuits and of the Judge of the Court of Appeals from Baltimore City, shall be six thousand eight hundred dollars *per annum*; the salary of each of the several Judges of the Supreme Bench of Baltimore City shall be five thousand five hundred dollars *per annum*; the salary of each associate judge of the first seven judicial circuits shall be four thousand six hundred dollars *per annum*; said salaries shall be payable quarterly.

What are judicial services? For a case involving right of a judge to recover for extra judicial services under act of 1805, ch. 86, sec. 2, see *State v. Chase*, 5 H. & J. 305.

Pensions of Judges.

An. Code, sec. 46. 1904, sec. 46. 1904, ch. 236.

46. Every judge of the circuit court for any of the counties, and of the supreme bench of Baltimore city, and of the court of appeals, who shall attain the age of seventy years while in office, after having served the ten preceding consecutive years, and every judge of any of said courts who shall have served upon the bench fifteen consecutive years, whether such service be before or after April 7, 1904, or partly before or partly after said date, and who shall have reached the age of seventy, and every person who has heretofore been elected and has served as judge of any

¹ See foot-notes to art. 4, secs. 24 and 31, Md. Constitution.